

## **REMARKS**

The applicants respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 3, 4, 9, 11, 13, 16-18, 20 and 26 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-26 are pending.

### **Objections to the Specification**

The Office Action objects to the specification for references to hyperlinks, citing M.P.E.P. § 608. For purposes of a full response, Applicants amend herein paragraphs starting on pages 5 and 7 of the specification to eliminate references to hyperlinks. Applicants submit that the specification as amended contains no references to hyperlinks, and asks that this objection to the specification be withdrawn.

The Office Action further objects to the specification for insufficient acknowledgment of proprietary trademarks. For purposes of a full response, Applicants amend herein paragraphs starting on pages 2, 5, 6, 13, 19, and 21 of the specification to sufficiently acknowledge proprietary trademarks. Applicants submit that the specification as amended does not adversely affect the validity of trademarks, and asks that this objection to the specification be withdrawn.

### **35 U.S.C. §101 Rejections**

The Office Action rejects claims 11-19 under 35 U.S.C. §101 as being directed toward non-statutory matter. Specifically, the Office Action contends that “machine-readable medium” cannot be disclosed in the specification as including propagated signals such as electrical, optical, acoustical or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.). For purposes of a full response, Applicants amend herein a paragraph on page 21 of the specification to eliminate references to propagated signals. Applicants submit that the application as amended is limited to statutory matter, and ask that the rejection of claims 11-19 based on 35 U.S.C. §101 be withdrawn.

### **35 U.S.C. §102 Rejections**

#### **35 U.S.C. §102(b) Rejection over *Wetmore***

The Office Action rejects claims 1-6, 8-12 and 14-26 under §102(b) as being anticipated by *Wetmore et al.*, USPN 5,481,713 (*Wetmore*). The Office Action alleges that *Wetmore* discloses, *inter alia*, both the copying of an optimized library into a user space and the exporting of an entry point for an optimized function in the optimized library. To overcome a 35 U.S.C. §102(b) rejection, the applicants may either demonstrate that the cited document fails to teach at least one limitation in the rejected claim, or add such a limitation to the claim by appropriate amendment (M.P.E.P. § 2131). For at least the following reasons Applicants respectfully traverse the above rejection.

Currently amended independent claim 1 recites in a salient portion (emphasis added):

“...importing into the user space an entry point for the hardware optimized function, the entry point to be available to an application executing in the user space.”

Currently amended independent claims 11 and 20 have similar limitations. The current amendments to the specification are supported in the original disclosure at least by FIG. 2 and 3, by the discussion thereof on pages 10-13, and by page 6, lines 4-19. The Office Action alleges that *Wetmore* discloses exporting an entry point for the optimized function to be available to an application executing on the computer system, citing FIG. 7a and col. 5:51-57 of the reference. However, Applicants respectfully submit that nothing in the cited passages or in any other part of *Wetmore* discloses the importing into user space of an entry point to be available to an application executing in user space.

Applicants note that FIG. 3 and col. 5:26-31 of *Wetmore* concern the entry point 304 for a patch. While not agreeing that the importing of an entry point for a patch anticipates the importing of an entry point for the hardware optimized function as set forth in claim 1, Applicants further note that the entry point 304 in *Wetmore* is only disclosed as existing in ROM code 301. Nothing in *Wetmore* suggests the ROM code 301 is to be interpreted as user space, and even the Office Action, in rejecting claim 1, takes the position that user space is RAM. Furthermore, col. 5:26-31 and other passages in *Wetmore* only disclose the entry points being accessed in the course of execution of

ROM code 301. It is irrelevant that the entry point 304 residing in ROM code 301 may hold a value representing a pointer to a location in user space. In placing the entry point 304 itself in ROM code 301, *Wetmore* does not disclose an entry point which is in user space and available to applications executing in user space.

For at least the foregoing reasons, each of currently amended independent claims 1, 11 and 20 contain at least one limitation not found in *Wetmore*. Furthermore, in depending directly or indirectly from one of independent claims 1, 11 and 20, each of dependent claims 2-6, 8-10, 12, 14-19 and 21-26 incorporate at least one limitation not found in *Wetmore*. Therefore, the applicants request that the rejection of claims 1-6, 8-12 and 14-26 under 35 U.S.C. §102(b) based on *Wetmore* be withdrawn.

### **35 U.S.C. §103(a) Rejections**

#### **35 U.S.C. §103(a) Rejection over *Wetmore***

The Office Action rejects claims 7 under 35 U.S.C. §103(a) as being unpatentable over *Wetmore*, relying on the aforementioned arguments against claims 1 and 6, from which claim 7 depends. In rejecting claim 7, the Office Action further alleges that one element of claim 7 not disclosed by *Wetmore*— verification of an optimized library using a signature of the optimized library— is common and would have been obvious to one skilled in the art. To overcome a rejection under 35 U.S.C. §103(a), an applicant may show that there is one element of the claim which is not taught or suggested by any combination of the cited references, or alternatively add such an element by appropriate

amendment (M.P.E.P. § 2143.03). For at least the following reasons the applicants traverse these rejections.

As discussed previously, *Wetmore* fails to disclose the element of importing into user space an entry point to be available to an application executing in user space, as set forth in currently amended independent claim 1. In rejecting claim 7 under 35 U.S.C. §103(a), the Office Action does not offer either *Wetmore* or the common practice of one skilled in the art as teaching this missing element of claim 1. Applicants submit that it is not obvious to one skilled in the art to import into user space an entry point to be available to an application executing in user space. Therefore, currently amended independent claim 1 has a non-obvious limitation. In depending indirectly from currently amended independent claim 1, dependent claim 7 incorporates at least one non-obvious limitation. Accordingly, claim 7 is non-obvious and Applicants request that the rejection of claim 7 under §103(a) based on *Wetmore* be withdrawn.

**35 U.S.C. §103(a) Rejection over *Wetmore* in view of *Thurston***

The Office Action rejects claims 13 under §103(a) as being unpatentable over *Wetmore* in view of *Thurston et al.*, US Pub. No. 2003/0217193 A1 (*Thurston*), relying on the aforementioned arguments against claim 11, from which claim 13 depends. In rejecting claim 13, the Office Action further alleges that one element of claim 13 not disclosed by *Wetmore*— use of an application programming interface (API)— is disclosed in *Thurston*. For at least the following reasons the applicants traverse these rejections.

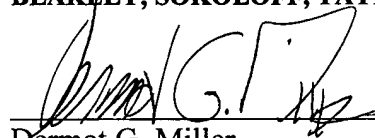
As discussed previously, *Wetmore* fails to disclose the element of importing into user space an entry point to be available to an application executing in user space, as set forth in currently amended independent claim 11. In rejecting claim 13 under 35 U.S.C. §103(a), the Office Action does not offer *Thurston* as teaching this missing element of claim 1. Applicants submit that *Thurston* does not disclose the importing into user space of an entry point to be available to an application executing in user space. Therefore, currently amended independent claim 11 has a non-obvious limitation. In depending directly from currently amended independent claim 11, dependent claim 13 incorporates at least one non-obvious limitation. Accordingly, claim 13 is non-obvious and Applicants request that the rejection of claim 13 under §103(a) based on *Wetmore* and *Thurston* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-26 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,  
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